

SEP 11 2007 PATENT
Docket No.: **CL/V-30880/ACGV2112**
Cust. No. 31781**CERTIFICATE OF MAILING**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Martha Martin
Type or print nameMartha Martin
SignatureSeptember 11, 2007
Date**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF

Hirt, et alAPPLICATION NO: **09/525,158**FILED: **March 14, 2000**FOR: **Organic Compounds**

Examiner:

Kuo-Liang PengArt Unit: **1712****RECEIVED****SEP 18 2007****OFFICE OF PETITIONS**

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

PETITION UNDER 37 C.F.R. §1.137(B)**TO REVIVE APPLICATION ABODONNED UNINTENTIONALLY**

Dear Sir:

This is a petition to revive the subject application abandoned unintentionally in accordance with 37 C.F.R. §1.137(b). The Notice of Abandonment dated April 5, 2002 from Examiner Kuo Liang Peng of Art Unit 1712 states that Applicants failed to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance. Applicants hereby petition that the holding of abandonment be withdrawn because applicants never received the Notice of Allowance.

Applicants hereby authorize payment of the petition fee of \$1500 and other necessary fees by debit of their Deposit Account No. 50-2965 in accordance with 37 C.F.R. §1.17(m).

Adjustment date: 02/20/2008 CKHLOK
09/13/2007 RHEBRAHT 00000002 502965 09525158
01 FC:1453 1500.00 CR

09/13/2007 RHEBRAHT 00000002 502965 09525158
01 FC:1453 1500.00 DA

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND																
1 Date of Request: 02/14/07				2 Serial/Patent # 09/525,158												
3 Please refund the following fee(s):				4 PAPER NUMBER		5 DATE FILED		6 AMOUNT								
	Filing							\$								
	Amendment							\$								
	Extension of Time							\$								
	Notice of Appeal/Appeal							\$								
X	Petition 1453			12		09/11/07		\$ 1,500.00								
	Issue							\$								
	Cert of Correction/Terminal Disc.							\$								
	Maintenance							\$								
	Assignment							\$								
	Other							\$								
				7 TOTAL AMOUNT OF REFUND			\$ 1,500.00									
				8 TO BE REFUNDED BY:												
10 REASON:				Treasury Check												
	Overpayment			X Credit Deposit A/C #:												
X	Duplicate Payment			9 <table border="1" style="display: inline-table; border-collapse: collapse; text-align: center;"> <tr> <td style="width: 20px;">5</td> <td style="width: 20px;">0</td> <td style="width: 20px;">--</td> <td style="width: 20px;">2</td> <td style="width: 20px;">9</td> <td style="width: 20px;">6</td> <td style="width: 20px;">5</td> </tr> </table>						5	0	--	2	9	6	5
5	0	--	2	9	6	5										
	No Fee Due (Explanation):															
11 REFUND REQUESTED BY:																
TYPED/PRINTED NAME: Douglas I. Wood				TITLE: Senior Petitions Attorney												
SIGNATURE: /douglas wood/				PHONE: 571-272-3231												
OFFICE: Office of Petitions																
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****																
APPROVED:				DATE: 2/20/08												

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

PATENT
Docket No.: CL/V-30880/A/CGV2112
Cust. No. 31781

Applicants hereby authorize payment of the issue fee by debit of their Deposit Account 50-2965 without the issue fee authorization form PTOL 85 B, because Applicants have not received the Notice of Allowance and this form. Alternatively, Applicants respectfully request that a new Notice of Allowance with Form PTOL 85B be re-issued so that Applicant can pay the issue fee.

Since this application was filed on or after June 8, 1995, no terminal disclaimer is required.

The entire delay in paying the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance was unintentional. The failure to pay the issue fee was discovered on April 25, 2002, when Applicants received the Notice of Abandonment dated April 5, 2002. After having received the Notice of Abandonment dated April 5, 2002, Applicants filed the Petition to Withdraw Holding of Abandonment pursuant to 37 C.F.R. §1.181(a), copy of which is attached herewith along with the Return-Receipt Post Card with US PTO stamp of date of May 28, 2002 as well as the petition's supporting documents (a copy (2 pages) of the docket record showing all received Office Actions and replies filed by Applicants' representative; email communication concerning non-receipt of the Notice of Allowance; and a statement of non-receipt of the Notice of Allowance from Jian Zhou, Applicants' representative). However, up to today, Applicants have not received yet the Decision on the Petition dated May 10, 2002. In order to expedite the petition process and issuance of the subject application, Applicants respectfully submit this petition to revive the subject application in accordance with 37 C.F.R. §1.137(b). Applicants submit that the failure to pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance was unintentional, because Applicants have not received the Notice of Allowance and because Applicants timely filed a petition to withdraw holding of abandonment pursuant to 37 C.F.R. §1.181(a) on May 10, 2002.

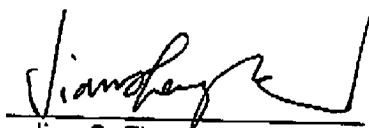
Applicants respectfully request that this Petition to revive be granted.

Should the Examiner believe that a discussion with Applicants' representative would further the prosecution of this application, the Examiner is respectfully invited to contact the undersigned. The Commissioner is hereby authorized to charge any other

PATENT
Docket No.: CLV-30880/A/CGV2112
Cust. No. 31781

fees which may be required under 37 C.F.R. §§1.16 and 1.17, or credit any
overpayment, to Deposit Account No. 50-2965.

Respectfully submitted,



Jian S. Zhou
Reg. No. 41,422
(678) 415-4691

Date:

Sept. 11, 2007

Novartis
Corporate Intellectual Property
One Health Plaza, Building 104
East Hanover, NJ 07936-1080

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SEP 11 2007

CIBA
Vision.
A Novartis Company11460 Johns Creek Parkway
Duluth, Georgia 30097MARTHA J. MARTIN
PATENT ADMINISTRATOR
PH: 678-415-3334

facsimile transmittal

To: Petition Office Fax: 571-273-8300
From: Jian Zhou Date: Sept. 11, 2007
Re: Application No. 09/525,158 Pages: 11
CC: _____
☒ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

PLEASE CONFIRM RECEIPT AND DELIVERY.

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OFFICE OF PETITIONS

SEP 11 2007

PATENT
Docket No.: CL/V-30880/A/CGV2112
Cust. No. 001095

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I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Jennifer China
Type or print name

Signature

Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Hirt, et al

APPLICATION NO: 09/525,158

FILED: March 14, 2000

FOR: Organic Compounds

Examiner:

Kuo-Liang Peng

Art Unit: 1712

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SEP 18 2007

OFFICE OF PETITIONS

Assistant Commissioner for Patents

Box DAC, Attn.: Art Unit 1712

Washington, D.C. 20231

COPY SENT TO BASLE

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

PURSUANT TO 37 CFR §1.181(A)

Sir:

The Notice of Abandonment dated April 5, 2002 from Examiner Kuo Liang Peng of Art Unit 1712 has been received. Applicants hereby petition that the holding of abandonment be withdrawn because applicants never received the Notice of Allowance.

The present application was held to be abandoned by the Examiner for failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance. However, Applicants' representative did not receive the Notice of Allowance. A search of the file jacket and docket records indicates that the Notice of Allowance was not received. A copy (2 pages) of the docket record

1

PATENT
Docket No.: CL/V-30880/A/CGV2112
Cust. No. 001095

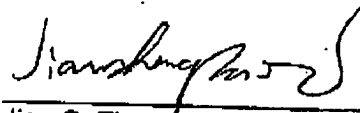
showing all received Office Actions and replies filed by Applicants' representative is enclosed herewith as documentary proof of nonreceipt of the Notice of Allowance. A statement of nonreceipt of the Notice of Allowance from Jian Zhou, Applicants' representative, is enclosed herewith pursuant to MPEP §711.03(c)II.

Therefore, Applicants submit that the holding of abandonment for failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance is improper and respectfully request that it be withdrawn and A Notice of Allowance be remailed.

CONCLUSION

Should the Examiner believe that a discussion with Applicants' representative would further the prosecution of this application, the Examiner is respectfully invited to contact the undersigned. Please address all correspondence to Thomas Hoxie, Novartis Corporation, Patent and Trademark Department, 564 Morris Avenue, Summit, NJ 07901. The commissioner is hereby authorized to charge any other fees with may be required under 37 C.F.R. §1.16 and 1.17, or credit any overpayment, to Deposit Account No. 09-0134.

Respectfully submitted,



Jian S. Zhou
Reg. No. 41,422
(678) 415-4691

Date: May 10, 2002

Novartis Corporation
Patent and Trademark Department
564 Morris Avenue
Summit, NJ 07901

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SEP 18 2007

OFFICE OF PETITIONS

Case No. CLIN-30880, 1/6V/2112
 Application No. 09/525, 158
 Mailing Date: May 10, 2002
 Due Date: June 5, 2002

Express Mail No.:

The Patent & Trademark Office acknowledges, and has stamped
 hereon the date of receipt of the items checked below:

- ☐ Amendment/Response/Letter - Fee \$ 123.45
- ☐ Appln. Filing Papers - Fee \$ _____
- ☐ PCT National Stage
- ☐ Provisional Application
- ☐ CPA ☐ DIV ☐ DOMT ☐ CIP
- ☐ Specification 17 Pg's
- ☐ Executed/Unexecuted Decl. - Fee \$ _____
- ☐ Missing Parts/Missing Res.
- ☐ Preliminary Amendment
- ☐ Claim of Priority ☐ Certified Copy(s)
- ☐ Amendment After Final
- ☐ Notice of Appeal - Fee \$ _____
- ☐ Appeal Brief - Fee \$ _____
- ☐ Issue Fee Payment \$ _____
- ☐ Assignment Rec. Req. - Fee \$ _____
- ☐ Formal Drawings _____ Pg's
- ☐ IDS _____ Pg's - Fee \$ _____
- ☐ PTO-1449 Form _____ Pg's
- ☐ Pet. for Ext. of Time - Fee \$ _____
- ☐ Pet. to Convert to Prov. Appln. - Fee \$ _____
- ☐ Seq. Listings _____ Pg's/Seq. Disk

SS7 Petition to Withdraw HOLDING
 OF ABANDONMENT

82972/99A

Developer/2000 Forms Runtime for Windows 95 / NT - [DOKD0030 in PROD as ops\shw] from g:\appdata\patap\dok\dok...

PATENT DOCKET MANAGEMENT SYSTEM 05/07/2002 10:00:25

DOKD0030 CASE DOCKET & HISTORY

PEX DV CASE No. 30890/A LINEAGE CGC No. ATTORNEY

CL V SERIAL No. 09/525,158 STATUS PENDING CGV 2112 ZHOUJI1

DATE FILED 03/14/2000 EFF DATE 03/14/2000 JZ FAMILY UK CASE 15764

Debit To
BA
US
NA

DATE ABAN

ATTORNEY DATE PTO ACTION/ ATTORNEY RESPONSE

ZHOUJI1 PTO: 04/05/2002 ABNO NOTICE OF ABANDONMENT EXPENSE DATE DEBITED

JZ CASE DUE: 06/05/2002 RESP RESPONSE

TYPE RESP

ATTORNEY DATE PTO ACTION/ ATTORNEY RESPONSE

ZHOUJI1 PTO: 06/21/2001 NONA NOTICE OF NON-COMPLIANT AME EXPENSE DATE DEBITED

JZ CASE DUE: 07/21/2001 RESP RESPONSE

TYPE RESP 07/03/2001 RESP RESPONSE

ATTORNEY DATE PTO ACTION/ ATTORNEY RESPONSE

GORMARO PTO: 03/12/2001 O.A. OFFICE ACTION EXPENSE DATE DEBITED

RJG CASE DUE: 06/12/2001 RESP RESPONSE

TYPE RESP 06/08/2001 RESP RESPONSE

ATTORNEY DATE PTO ACTION/ ATTORNEY RESPONSE

GORMARO PTO: 06/21/2000 FREC FILING RECEIPT EXPENSE DATE DEBITED

RJG CASE DUE: TYPE RESP

Record 1/9

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Developer/2000 Forms Runtime for Windows 95 / NT - [DOKD0030 in PROD as ops\$hwll1 from g:\appdata\patap\dok\dok...]

PATENT DOCKET MANAGEMENT SYSTEM 05/07/2002 10:00:25

JOKD0030 CASE DOCKET & HISTORY

PEX IV CASE No. (a) LINEAGE CGV No. ATTORNEY

CL V 30880/A 2112 ZHOUJI1

SERIAL No. 09/525,158 STATUS: PENDING

DATE FILED: 03/14/2000 EFF. DATE: 03/14/2000

UR CASE: 15764

Debit To

BA

US

NA

DATE ABAND: A1Y

ATTORNEY	DATE	PTO ACTION/ATTORNEY RESPONSE	DESCRIPTION	EXPENSE	DATE DEBITED
GORMARO	PTD: 05/16/2000	MSPT	MISSING PARTS		
RJG	CASE DUE: 07/16/2000	SUSD	SUBMIT SIGNED DECLARATION		
	RESP: 06/07/2000	SUDE	SUBMITTED DECLARATION	130.00	07/20/2000
GORMARO	PTD: 03/24/2000	RECC	RECEIPT CARD		
RJG	CASE DUE: 06/14/2000	PAS3	PRIOR ART (3 MOS)		
	RESP: 08/30/2000	IDST	INFORMATION DISC/STATEMENT		
GORMARO	PTD: 02/25/2000	NBAA	NEW BASLE APPLICATION		
RJG	CASE DUE: 03/30/2000	FNBA	FILE NEW BASLE APPLICATION		
	RESP: 03/14/2000	FNBA	FILE NEW BASLE APPLICATION	780.00	04/20/2000
GORMARO	PTD: 02/26/2000	UNDA	UNSIGNED DECLARATION/ASSIGN		
RJG	CASE DUE: 03/14/2000	UNDE	UNSIGNED DECLARATION		

Record: 9/9

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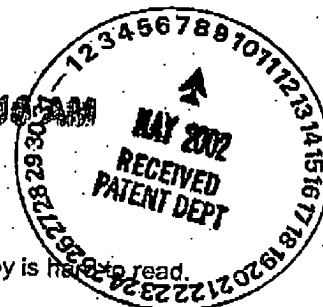
SEP 18 2007

OFFICE OF PETITIONS

Linda Rothwell

05/07/2002 10:15 AM

To: jian.zhou@cibavision.novartis.com @ N1
cc: jennifer.china@cibavision.novartis.com@N1
Subject: Re: Help



I will fax it to you now and send the hard copy overnight in case the fax copy is hard to read.

Linda

jian.zhou@cibavision.novartis.com on 05/07/2002 09:23:41 AM



jian.zhou@cibavision.novartis.com on 05/07/2002 09:23:41 AM

To: Linda Rothwell/PH/Novartis@PH
cc: jennifer.china@cibavision.novartis.com
Subject: Help

Linda,

We need your help regarding Case CL/V-30880/A/CGV2112.

Thank you for forwarding the Notice of Abandonment for the above-referenced case with your short note. Since we never received the Notice of Allowance for this case, we can file a no-fee petition to request withdraw holding of abandonment pursuant to MPEP 711.03(c)(II). However, we need a showing to establish non-receipt of an Office Action, namely, a copy of the docket record where the non-received Office Communication would have been entered had it been received and docketed. Could you please provide a print-out of the docket record solely for this case CL/V-30880/A/CGV/2112? Thank you for your help.

Best regards,

Jian

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SEP 18 2007

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SEP 11 2007

PATENT
Docket No.: CL/V-30880/A/CGV2112
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Jennifer China
Type or print name

Signature

Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO: 09/525,158

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Examiner:

Kuo-Liang Peng

Art Unit: 1712

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Assistant Commissioner for Patents

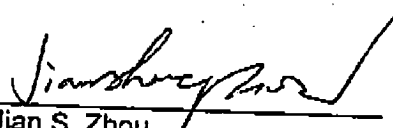
Box DAC, Attn.: Art Unit 1712

Washington, D.C. 20231

STATEMENT OF JIAN S. ZHOU

I, Jian S. Zhou, state that I did not receive the Notice of Allowance and attest that a search of the file jacket and docket records indicates that the Notice of Allowance was not received.

Respectfully submitted,


Jian S. Zhou
Reg. No. 41,422
(678) 415-4691

Date: May 10, 2002

Novartis Corporation
Patent and Trademark Department
564 Morris Avenue
Summit, NJ 07901